

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

JOSHUA SCHMITT, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

CHINA XD PLASTICS COMPANY,
LIMITED, FAITH DAWN LIMITED, FAITH
HORIZON, INC., XD ENGINEERING
PLASTICS COMPANY LIMITED, JIE HAN,
TAYLOR ZHANG, LINYUAN ZHAI,
HUIYI CHEN and GUANBAO HUANG,

Defendant.

Civil Action No.: 1:20-cv-06028-NGG-SJB

**NOTICE OF MOTION FOR
APPOINTMENT OF LEAD PLAINTIFF
AND APPROVAL OF SELECTION OF
LEAD COUNSEL PURSUANT TO
PSLRA 15 U.S.C. §78u-4(a)(3)(8)**

PLEASE TAKE NOTICE that pursuant to Section 21D of the Securities Exchange Act of 1934, 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995, Movant Joshua Schmitt (“Movant”) hereby moves this Court, on a date and at a time to be designated by the Court pursuant to the Individual Rules of Judge Nicholas G. Garaufis, for an order:

- (a) appointing Movant to serve as Lead Plaintiff in this action; and
- (b) approving Movant’s selection of Squitieri & Fearon LLP as Lead Counsel for the Class.

Plaintiff is filing via ECF the motion papers prior to the time that the motion has been fully briefed because Plaintiff believes in good faith that delaying the filing of this motion in order to comply with the Individual Rules of Judge Nicholas G. Garaufis, IV.B.1 would deprive movant and other class members who might seek to apply for lead plaintiff designation under Section 21D of the Securities Exchange Act of 1934 15 U.S.C. §78u-4(a)(3)(B) of the (“PSLRA”) of their substantive rights. This conclusion is based on the mandatory requirements

of the PSLRA for “filing” a lead plaintiff motion such as this one and subsequent provision which trigger time limits for other potential class members to file their own lead plaintiff applications. The statute has several mandatory filing provisions and deadlines which are based upon “filing” wherein “filing” serves also as a form of notice to other putative class members regarding proposed lead plaintiffs.

In support of this Motion, Movant submits: (i) the Memorandum of Law dated April 27, 2021; (ii) Declaration of Lee Squitieri in support of the motion (and exhibits); and (iii) a [Proposed] Order Appointing Lead Plaintiff and Approving Lead Plaintiff’s Selection of Counsel.

Dated: April 30, 2021

Respectfully submitted,

SQUITIERI & FEARON, LLP

By: /s/Olimpio Lee Squitieri

Olimpio Lee Squitieri

32 East 57th Street

12th Floor

New York, New York 10022

Tel: (212) 421-6492

Fax: (212) 421-6553